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Attorney for Defendant FUECHTNER

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**
* * *

UNITED STATES OF AMERICA,)	2:16-cr-100-GMN-CWH
)	
)	
Plaintiff,)	
)	
v.)	
)	
JAN ROUVEN FUECHTNER,)	
)	
Defendant.)	
)	

STIPULATION AND ORDER TO CONTINUE CALENDAR CALL AND TRIAL DATE

IT IS HEREBY STIPULATED AND AGREED by and between JESS R. MARCHESE, ESQ. Counsel for Defendant JAN ROUVEN FEUCHTENER and CRISTINA SILVA, Assistant United States Attorney, that the calendar call currently scheduled for June 13, 2016 at 9:00a.m., and the trial currently scheduled for June 20, 2016 be vacated and reset to a July 18, 2016 calendar call and a July 25, 2016 trial date. The trial documents shall be due on July 11, 2016.

This Stipulation is entered into for the following reasons:

1. Counsel for the defendant has spoken to his in-custody client and he has no objection to the request for continuance.
2. Counsel for the defendant has spoken to counsel for the United States and she has no objection to the continuance.

3. Counsel for the defense has an essential witness, Larry Smith, who is unavailable the week of the June 20, 2016 trial date.
4. The additional time requested by this stipulation is excludable in computing the time within which trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(1)(D) and Title 18, United States Code Section 3161 (h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161 (h)(7)(B)(I) and 3161 (h)(7)(B)(iv).
5. That a denial of this request would result in a miscarriage of justice.
6. For all the above-stated reasons, the ends of justice would best be served by a continuance of the Calendar Call and Trial Date and reset to the aforementioned dates and times listed herein.

This is the second request for continuance filed herein.

DATED: June 10, 2016

/S/
JESS R MARCHESE, ESQ.
601 S. LAS VEGAS BLVD.
LAS VEGAS, NEVADA 89101
ATTORNEY FOR THE DEFENDANT

/S/
CRISTINA SILVA, ESQ.
ASSISTANT UNITED STATES ATTORNEY
501 LAS VEGAS BOULEVARD SOUTH. #1100
LAS VEGAS, NEVADA 89101

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**
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UNITED STATES OF AMERICA,)	2:16-cr-100-GMN-CWH
)	
)	
Plaintiff,)	
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v.)	
)	
JAN ROUVEN FUECHTENER,)	
)	
Defendant.)	
)	

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the court finds:

This Stipulation is entered into for the following reasons:

1. Counsel for defendant has spoken to his in-custody client and he has no objection to the request for continuance.
2. Counsel for the defendant has spoken to counsel for the United States and she has no objection to the continuance.
3. Counsel for the defense has an essential witness, Larry Smith, who is unavailable the week of the June 20, 2016 trial date.

1 4. The additional time requested by this stipulation is excludable in computing the time
2 within which trial herein must commence pursuant to the Speedy Trial Act, Title 18,
3 United States Code, Section 3161 (h)(1)(D) and Title 18, United States Code Section
4 3161 (h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161
5 (h)(7)(B)(I) and 3161 (h)(7)(B)(iv).

7 5. That a denial of this request would result in a miscarriage of justice.

8 6. For all the above-stated reasons, the ends of justice would best be served by a
9 continuance of the Calendar Call to July 18, 2015 and Trial Date to July 25, 2016.
10

11 **CONCLUSIONS OF LAW**

12 Denial of this request for continuance would deny the parties herein the opportunity
13 to effectively and thoroughly prepare for trial.

14 Additionally, denial of this request for continuance could result in a miscarriage of
15 justice.

16 **ORDER**

17 IT IS HEREBY ORDERED that the calendar call currently scheduled for June 13, 2016,
18 at 9:00 a.m., be continued to the **18th** day of **July, 2016** at **9:00am**, in courtroom
19 **7d** and the trial currently scheduled for June 20, 2016, at 9:00 a.m., be continued to the
20 **25th** day of **July, 2016** at **9:00am**, in courtroom **7d**. The trial documents
21 shall be due on the **11th** day of **July, 2016**.
22

23 DATED this _____ day of _____, 2016.
24

25
26 _____
27 **U.S. DISTRICT JUDGE**
28